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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/686,375

10/14/2003

Eric M. DeLangis

6329

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7590

09/20/2007

EXAMINER

SONI, KETAN S

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

09/20/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/686,375	DELANGIS, ERIC M.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ketan Soni	2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/14/03.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>None</u> .  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

**Information Disclosure Statement**

There is no information disclosure statement submitted hence no record has been made in the application file.

**Claim Objections**

Claim 1 is objected to because of the following informality, and claim should be in one sentence:

Regarding claim 1, line: 5, period should be replaced with comma. Suggested new claim: 1, line: 5 should read as ".... office or any other PSTN facility, said RCG device....".

**Claim 1** is objected to because of the following informality:

Regarding claim 1, line: 20, "the aggregate" should be replaced with "aggregated". Suggested line should read as ".... to a requesting RCG device wherein aggregated POTS....".

**Claim 3** is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 1 & 2. See MPEP § 608.01(n). Accordingly, the claim 3 not been further treated on the merits.

**Claims 1 and 6** are objected to because of the following informality:

Regarding claims 1, and 6, terms LEC (local exchange carrier), WEP (Wired Equivalent Privacy), IPSEC should be spelled out. Suggested new claims should have all acronyms spelled out.

**Claim 9** is objected to because of the following informality, and claim should be in one sentence:

Regarding claim 9, line: 2, period should be replaced with comma and word "and" should be inserted. Suggested new claim: 9, line: 2 should read as ".... Power failure, and provides....".

Appropriate action is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1-9** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1. With regard to claim: 1, applicant is claiming a RCG device. But within claim: 1, there are four methods with no clearly defined method steps. It is not clear if the applicant intends to claim an apparatus or a method. It is also not clear the relevance of the method claimed to the RCG device. Hence claim: 1 is vague and indefinite.

2. Claims 2-9 are vague and indefinite because there is improper dependency. The preamble of claim: 1 refers to an apparatus however dependent claims: 2-9 refers to a method. Hence claims: 2-9 are vague and indefinite.

Regarding **claim 1**, line: 10, the phrase "may be or become" renders the claim vague and indefinite. The meets and bounds of the claim cannot be determined because this is not an active recitation.

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**Claims 6** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding **claim 6**, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### **Conclusion**

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ketan Soni whose telephone number is (571) 270-1782. The Examiner can normally be reached on Monday-Thursday from 7:30am to 6:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Vanderpuye, Kenneth can be reached on 571-272-3078. The fax phone

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number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028. If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Ketan Soni

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Aug 30, 2007.

  
KENNETH VANDERPUYE  
SUPERVISORY PATENT EXAMINER